

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN LUIS JONES,

No. C 05-03391 SBA (PR)

Plaintiff,

**ORDER GRANTING IN FORMA  
PAUPERIS STATUS**

v.

GAVIN SIERRA, et al.,

Defendants.

This is a civil rights case filed pro se by Plaintiff who, at the time of filing the complaint, was being held in state custody. Plaintiff filed a Notice of Change of Address informing the Court that he has since been released and is no longer a "prisoner" within the meaning of 28 U.S.C. § 1915. See Page v. Torrey, 201 F.3d 1136, 1139 (9th Cir. 2000) (to fall within the definition of "prisoner," the individual in question must be currently detained as a result of accusation, conviction, or sentence for a criminal offense). Because Plaintiff is not a "prisoner," the provisions of section 1915 requiring prisoners who seek to proceed in forma pauperis (IFP) to submit a copy of transactions in their inmate account and providing that the full filing fee be paid in installments do not apply to them. However, even non-prisoners are required by section 1915(a)(1) to provide an affidavit with sufficient information to allow the court to make an accurate determination whether they are indigent and thus entitled to proceed IFP. Therefore, Plaintiff was ordered to file complete IFP application on the Court's form for non-prisoner litigants. Plaintiff has completed and filed the required IFP application.

Plaintiff's application to proceed IFP is GRANTED. In view of Plaintiff's income, the initial partial filing fee due for Plaintiff at this time is \$0.00.

The Court will review Plaintiff's complaint in a separate written Order.

IT IS SO ORDERED.

DATED: 3/4/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JONES,

Plaintiff,

v.

SIERRA et al,

Defendant.

Case Number: CV05-03391 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin Louis Jones  
2880 Birch Avenue  
Camino, CA 95709

Dated: March 5, 2008

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk